

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

AMAZON.COM, INC. and AMAZON DATA  
SERVICES, INC.,

Plaintiffs,

v.

WDC HOLDINGS LLC dba NORTHSTAR  
COMMERCIAL PARTNERS; BRIAN  
WATSON; STERLING NCP FF, LLC;  
MANASSAS NCP FF, LLC; NSIPI  
ADMINISTRATIVE MANAGER; NOVA  
WPC LLC; WHITE PEAKS CAPITAL LLC;  
VILLANOVA TRUST; CASEY  
KIRSCHNER; ALLCORE DEVELOPMENT  
LLC; FINBRIT HOLDINGS LLC;  
CHESHIRE VENTURES LLC; CARLETON  
NELSON; JOHN DOES 1-20,

Defendants.

CASE NO. 1:20-CV-484-RDA-TCB

800 HOYT LLC,

Intervening Interpleader  
Plaintiff / Intervening  
Interpleader Counter-  
Defendant,

v.

BRIAN WATSON; WDC HOLDINGS, LLC;  
PLW CAPITAL I, LLC; BW HOLDINGS;  
LLC,

Interpleader Defendants,

and

AMAZON.COM, INC., and AMAZON DATA  
SERVICES, INC.,

Interpleader Defendants /  
Interpleader Counter-Plaintiffs.

**PLAINTIFFS' MOTION TO WITHDRAW AND SUBSTITUTE VERIFICATIONS  
AND CERTAIN DECLARATIONS AND FOR PROTECTIVE ORDER**

Plaintiffs Amazon.com, Inc. and Amazon Data Services, Inc. hereby respectfully move to withdraw certain 2020 verifications, to withdraw and file a substitution for certain declarations, and for a protective order disallowing three depositions of Amazon's litigation counsel.

### **BACKGROUND AND ARGUMENT**

This motion seeks leave to withdraw certain attorney verifications and to withdraw and replace certain attorney declarations filed in this case. These submissions were signed by three current and former members of Amazon's outside counsel team. Exs. 1-8. Amazon also seeks leave to file a single, new substitute declaration from a company representative that contains the only attestations required for the 2020 pleadings that were supported by the withdrawn declarations, in the correct terms and the form attached to this motion. Ex. 9.

Amazon further requests that the Court enter a protective order preventing Defendants from seeking to depose the attorneys who signed the verifications and declarations at issue. Defendants' stated basis for seeking to depose the attorneys who verified the 2020 pleadings at issue is to obtain discovery into the underlying facts described in those pleadings. As Amazon's counsel explained to Defendants in volunteering to correct the "personal knowledge" references in the 2020 statements, the attorneys who verified the relevant 2020 pleadings were familiar with the facts pled based on their review of documents or information known or provided to Amazon. Accordingly, these attorneys do not possess knowledge that would satisfy the test for counsel depositions the Court addressed at the March 11 hearing. Dkt. 577; *see Ford Motor Co. v. Nat'l Indem. Co.*, 2013 WL 3831438, at \*2 (E.D. Va. July 23, 2013) (quoting *Shelton v. American Motors Corp.*, 805 F.2d 1323, 1327 (8th Cir. 1986)).

Allowing such depositions would serve no legitimate purpose, because the noticed attorneys have no information that would satisfy the legal showing required for deposing a party's

litigation counsel, namely: that the deponents have non-privileged information that is crucial to this case and cannot be obtained from any other source. Dkts. 550, 574, 577. Amazon thus respectfully requests a protective order under the privilege law addressed below and in the Court's recent ruling.

### CONCLUSION

To further the interests of all relevant parties and witnesses, Amazon respectfully seeks leave to withdraw and substitute the 2020 documents addressed in this motion, and respectfully requests a protective order disallowing the three counsel depositions Defendants have noticed.

Dated: March 25, 2022

Respectfully submitted,

/s/ Michael R. Dziuban

Elizabeth P. Papez (*pro hac vice*)

Patrick F. Stokes (*pro hac vice*)

Claudia M. Barrett (*pro hac vice*)

David W. Casazza (*pro hac vice*)

Michael R. Dziuban (Va. State Bar No. 89136)

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 25, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. I will then send the document and a notification of such filing (NEF) to the following parties via U.S. mail to their last-known address and by email, where noted:

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:

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